

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

**Kareem Ray Senises
Debtor(s)**

**: Chapter 13
: Case Number: 1:23-bk-00736-HWV**

FOURTH MOTION TO MODIFY DEBTOR'S CHAPTER 13 PLAN AFTER CONFIRMATION

NOW COMES, the Debtor, Kareem Ray Senises by and through counsel, Leonard Zagurskie, Jr., Esquire, respectfully requests that this Honorable Court grant this Motion to modify Chapter 13 Plan after confirmation, and Debtor avers and in support thereof states the following:

1. Debtor(s), Kareem Ray Senises on 04/02/2023 filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Bankruptcy Code.
2. The Debtor's 60-month Chapter 13 Plan, 1st Amended, was confirmed on 07/12/2023.
3. Debtor experienced financial difficulties due to the following: On or about 12/20/2023, Debtor's employment by Plastic Systems Packaging Molding (PSPM) was involuntarily terminated. Additionally, Debtor experienced mental anguish/suffering because Debtor's daughter, eleven months old at the time, in December of 2023 became very ill and his daughter was hospitalized for ten (10) days at Hershey Medical Center. She experienced low sugar and seizures and the doctors had difficulty making a diagnosis. Finally, her illness was diagnosed as a growth hormone deficiency. She was stabilized at the time but now again his daughter is experiencing further difficulties and is receiving further medical treatment requiring recent hospitalization for seven (7) days and at home care.
4. Due to Debtor's financial difficulties and mental anguish/suffering described above in paragraph 3, the Debtor fell behind in Mortgage payments with AmeriSave Mortgage Corporation, hereinafter "AmeriSave" in the delinquency amount of \$3,269.46. Debtor obtained employment with Supplyone Plastics Inc, which commenced on April 22, 2024 and Debtor negotiated a Settlement/Stipulation with AmeriSave and an Order on 5/21/2024 was entered by this Court Granting the Approval of the Stipulation Agreement with the Debtor and AmeriSave.

5. Debtor's financial difficulties also resulted in Debtor falling behind in Trustee payments in the delinquency amount of \$2,214.29. Debtor negotiated a settlement with the Trustee requiring the Debtor to amend/modify the chapter 13 confirmed plan post-petition.
6. An Order granting Debtor's modified/amended 2nd chapter 13 Plan after confirmation was entered on July 18, 2024. Debtor has paid \$5,662.92 into the case to date.
7. Debtor has experienced further financial difficulties resulting from a serious increase in his monthly mortgage payment from \$1,100.00 per month to \$1,991.98 per month due to an unexpected increase in homeowner's insurance and Debtor is \$8,530.70 in arrears with AmeriSave.
8. Debtor asks AmeriSave to provide a payment history to confirm the following mortgage payments to AmeriSave, including identifying where payments were applied as to principal, interest, escrow and suspense account for the following:
- May 8, 2024, \$1,089.82
 - May 9, 2024, \$1,089.82
 - May 13, 2024, \$1,089.82
 - May 31, 2024, \$263.27
9. Debtor has obtained a second job as an instructor in the evenings with the Manufacturers' Association receiving quarterly compensation in the amount of \$2,400.00. Also, Debtor is receiving \$925.00 monthly Supplemental Security Income (SSI) for his daughter now nearly two years old, and his twenty-two-year-old daughter is contributing \$250.00 per month to the family income. The previous household income reported on schedule "I" remains in effect with no offsetting loss of income. Debtor has amending schedule "I" reflecting the Debtor's increased incoming funds to Debtor's household budget. And Debtor is pursuing a discrimination charge against his former employer where he was involuntarily terminated, and such proceeds if obtained will be used towards financing his chapter 13 bankruptcy.
10. With the increased household budget, described in paragraph 8 above and reflected in Debtor's amended schedule "I" the Debtor is confident that he can make an increased monthly payment amount to the Trustee to resolve delinquency amounts going forward.

11. In order to ensure monthly mortgage payments, the Debtor is proposing a chapter 13 Plan referred to as a "Conduit Plan." The plan is called a conduit plan because the payments pass through the Trustee to the Mortgage Company: The Debtor pays the mortgage payment amount to the Trustee then the Trustee pays the Mortgage Company on behalf of the Debtor. In addition, the Debtor is contemporaneously with this motion amending his wage attachment to include the monthly mortgage payment amount to provide for direct payment by his employer from the Debtor's wages to the Trustee to ensure that the funds are available for the Trustee to pay AmeriSave the Mortgage Company of the Debtor.

12. The Debtor proposes an Amended Chapter 13 Plan Post-Confirmation, a Conduit Plan which includes the Debtor paying a Total Conduit payment amount to the Trustee. The Total Conduit payment amount includes a Trustee payment amount and mortgage payment amount with a Trustee fee for the Trustee to pay the monthly mortgage payment amount to AmeriSave, the mortgage company on Debtor's behalf. The Conduit Plan will be paid in three tiers. The first tier includes the amount that Debtor has paid to date. The second tier starting this December of 2024 provides for an increased total payment to the Trustee. The second tier payment amount to the Trustee increases monthly from \$539.57 per month, non-conduit plan payment to a Conduit Plan that pays \$2,291.18, total payment per month for the next twelve (12) months. The \$2,291.18, Conduit Plan total payment includes a Trustee payment of \$100.00 per month and a conduit payment amount that includes a \$1,991.98 monthly mortgage payment to AmeriSave the Mortgage Company and a ten (10) percent Trustee fee, \$199.20, approximately, which totals to the \$2,291.18. The second tier funding is scheduled to commence by means of a wage attachment with Debtor's employer. Then after completing this twelve (12) month, second tier of the Conduit Plan the mortgage escrow shortage will be paid-off and the monthly mortgage payment amount will reduce from \$1,991.98 month to \$1,452.02, approximately. Then accordingly in the third and final tier of the Conduit Plan for the remaining twenty-nine (29) months to the end of the plan, the Conduit Plan will reflect the reduced mortgage payment. The Conduit Plan, third tier provides for a \$2,809.62 per month total payment to the Trustee. The total payment per month to the Trustee includes a Trustee payment of \$1,212.40 per month and a conduit payment of \$1,597.22 monthly mortgage payment to AmeriSave, the mortgage

company and a ten (10) percent Trustee fee, \$145.20, approximately, per month, total payment equals the \$2,809.62 per month total payment to the Trustee. The Conduit Plan's increased payment amounts results in Debtor's Plan base increasing from \$27,992.74 to a \$114,636.06, new Plan Base.

13. The Debtor seeks to fund the Modified/Amended Sixty (60) Month Chapter 13 Plan, Post-Confirmation, which is a Conduit Plan that is paid over three tiers as follows:

- \$5,662.92, paid to date, nineteen (19) months, includes through November 2024,
- \$27,494.16, paid at \$2,291.18 per month for 12 months, December through November 2025, The \$2,291.18, Trustee conduit payment includes the \$1,991.18 mortgage payment plus the conduit fee at 10 percent equals \$2,191.18 and then adding the \$100 Trustee plan payment equals \$2,291.18,
- \$81,478.98 paid at \$2,809.62 per month for 29 months, December 2025 through April 2028, The \$2,809.62, Trustee conduit payment includes the \$1,452.02 mortgage payment plus the conduit fee at 10 percent equals \$1,597.22 and then adding the \$1,212.40 Trustee plan payment equals \$2,809.62,
- \$114,636.06 total of plan payments (60 months).

14. Counsel for Debtor is seeking permission to charge Debtor \$500 for the preparation of the Motion to Modify Plan and the Amended Plan.

15. Debtor has reviewed his income and expenses and has amended his budget schedules and the Debtor's proposed Amended Plan is feasible.

WHEREFORE, debtor(s) requests this Court to enter an order, substantially in the form of the proposed order attached hereto, approving the Motion to Modify Chapter 13 Plan after Confirmation.

Respectfully submitted,

LAW OFFICES OF LEONARD ZAGURSKIE, JR

Date: December 26, 2024

/s/ Leonard Zagurskie, Jr., Esquire

Leonard Zagurskie, Jr., Esquire

PSB No. 82436

Counsel for the Debtor

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